



60130-1371
00MRA0030

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rainer Grimm, et al.

Serial No.: 10/089,030

Filed: March 26, 2002

Priority: PCT/EP00/09526 Filed: September 28, 2000
DE 199 46 307.7 Filed: September 28, 1999
DE 199 46 311.5 Filed: September 28, 1999
DE 200 10 204.4 Filed: June 9, 2000

Group Art Unit: Unknown

Examiner: Unknown

Title: VEHICLE DOOR

PETITION UNDER RULE 37 CFR 1.47(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

One of the inventors of the above-referenced application, Gregory Keyes, has effectively refused to execute this application. The owner of this application is Meritor Automotive GmbH ("Meritor"). The other inventors are acting on behalf of themselves and on behalf of Mr. Keyes.

The reasons for this action are set forth below:

Gregory Keyes was employed by Meritor, and under an obligation to assign inventions to Meritor. Mr. Keyes has left Meritor and has not been located. Dr. Horst Schumacher of Konig Palgen Schumacher Kluin (Konig) in Germany, who is responsible for the original German filing

of this application, has been searching for Mr. Keyes. However, no forwarding information regarding Mr. Keyes has been obtained. Konig sent correspondence to Mr. Keyes at Meritor Automotive GmbH on December 22, 2001 regarding a previously filed patent application in which Mr. Keyes was an inventor. Mrs. Post of Meritor Frankfurt informed Konig on March 2, 2001 by telephone that Mr. Keyes had moved without leaving a new address or telephone number. Konig attempted to call Mr. Keyes at his last known phone number, but the line was no longer in service.

Konig also contacted the British law firm of Marks & Clerk (**Exhibit A**) on March 21, 2002 inquiring how to find a new address of a British citizen. Marks & Clark responded by letter (**Exhibit B**) on March 23, 2001 stating that there is no easy way of searching for a British citizen as there is no requirement in Great Britain for address registration. Additionally, Konig contacted Mrs. Anna Riley of the Personal Department of Meritor Great Britain on April 9, 2001 by facsimile (**Exhibit C**) for information relating to Mr. Keyes' address. Mrs. Riley responded by email (**Exhibit D**) on April 9, 2001 with an address and phone number for Mr. Keyes. However, this address and phone number were old ones.

Konig also send a copy of the application to Mr. Keyes at his last known address [28 Inverclyde Road, Handsworth Wood, Birmingham, West Midlands, B20 2LJ, United Kingdom] on August 16, 2002 via registered letter (**Exhibit E**). To date, Mr. Keyes has not responded, and Konig has not been able to locate Mr. Keyes.

A check in the amount of \$300.00 (Surcharge Fee \$130.00, Assignment Recordation Fee \$40.00 and Petition for Missing Inventor Fee \$130.00) is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C.,

for any additional fees or credit the account for any overpayment. Therefore, applicant asks that processing of this application now proceed.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko

Registration No. 45,864

Attorneys for Applicant

400 West Maple Road, Suite 350

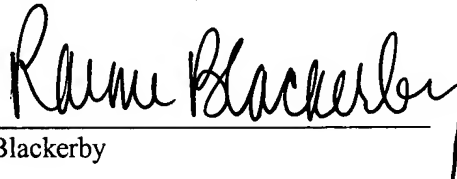
Birmingham, Michigan 48009

(248) 988-8360

Dated: August 20, 2002

CERTIFICATE OF MAILING

I hereby certify that this Petition and accompanying documents are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231 on August 20, 2002.



Raimi Blackerby

IN ADVANCE VIA FACSIMILE 0044-020-404-4910

MARKS & CLERK
Chartered Patent Agents
57-60 Lincoln's Inn Fields

GB - London WC2A 3LS

Dipl.-Ing. Dr. Reimar König²⁾
Dipl.-Phys. Dr. Peter Palgen¹⁾
Dipl.-Phys. Dr. H. Schumacher³⁾
Dipl.-Phys. Dr. Jörg-E. Kluin¹⁾
Dipl.-Biol. Gregor S. König²⁾

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Essen, March 21, 2001

Our Reference:

Meritor-0 HS/MB

Information

Dear Sirs:

We kindly ask you to inform us, if possible by return facsimile, how to find out the new address of a British citizen.



Kind regards
KÖNIG PALGEN SCHUMACHER KLUIN

MB
(Dr. Horst Schumacher)

SENDEBERICHT

ZEIT : 21/03/2001 11:16

Marks & Clerk
DATUM/UHRZEIT
FAX-NR./NAME
Ü.-DAUER
SEITE(N)
ÜBERTR
MODUS

Meritor-0
21/03 11:15
000442074044910
00:00:20
01
OK
STANDARD
EQM

EXHIBIT A

MARKS & CLERK

Intellectual Property

European Patent Attorneys
Chartered Patent Attorneys
European Trade Mark Attorneys
Registered Trade Mark Attorneys

London Office
57-60 Lincoln's Inn Fields
London WC2A 3LS

Established 1887

Tel: +44 (0)20 7400 3000
Fax: +44 (0)20 7404 4910
Email: admin@marks-clerk.com
http://www.marks-clerk.com

Dr Horst Schumacher
König Palgen Schumacher Kluin
Frühlingstrasse 43A
D-45133 Essen
GERMANY

please quote
our reference

RJO/dm/RJOZ00020

your reference

Meritor-0 HS/MB

date

23 March 2001

Document #: 678581

By Fax (confirm by mail)
00 49 201 84 230 20

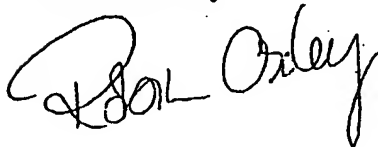
Dear Dr Schumacher

Thank you for your fax dated 21 March 2001.

In response to your query, there is no requirement for address registration as there is in Germany. Therefore, we do not know an easy way of obtaining the new address of a British citizen. It may be possible to check the electoral register, but information on the geographical region of the address is likely to be required to narrow the search. It may also be possible to go to a search agency, or investigation agency, who have more expertise in this field of searching.

I am sorry that we have not been able to help you more in your enquiry, and wish you luck in finding this information.

Yours sincerely



Robin J Oxley
MARKS & CLERK

Partners
E W B Lyndon-Stanford MA CPA EPA
W P McCallum MA CPA EPA
A W Freed MA CPA EPA
C J R Gibson MA CPA EPA
A R Pearce MA CPA EPA
D Carpenter MA CPA EPA
D J Owens MA CPA EPA
M K Radcliffe MA CPA EPA
K Vhalley MA CPA EPA
P J Adams MA CPA EPA
M R Higgins MA CPA EPA
D G Tubby MA CPA EPA
F J Gutteridge MA CPA EPA

J A Slater MA CPA EPA
A H W Luckhurst MA CPA EPA
S P Hordford MA CPA EPA
R P Harding MA CPA EPA
S J Hackett MA CPA EPA
C T Graham MA CPA EPA
P B Atkinson MA CPA EPA
H D Lord MA CPA EPA
R P Maury MA CPA EPA
B J Morgan MA CPA EPA
K L Hodgkinson MA CPA EPA
E D M Rowley MA CPA EPA
S G Mosley MA CPA EPA
S J Mountney MA CPA EPA

T S Andrews MA CPA EPA
J P Asquith MA CPA EPA
J Kay MA CPA EPA
M J Lamb MA CPA EPA
R L Tow MA CPA EPA
P J Withers MA CPA EPA
S M Curtis MA CPA EPA
A M Suckling MA CPA EPA
R A Bailey MA CPA EPA
J D Collins MA CPA EPA

Associates
S E Smith MA CPA EPA

R Lind MA CPA EPA
A C Fairbairn MA CPA EPA
J L McGee MA CPA EPA
R J Garmichael MA CPA EPA
P Roberts MA CPA EPA
A Stark MA CPA EPA
J S Pople MA CPA EPA
K P Halpin MA CPA EPA
P C Barford MA CPA EPA
D J Marsh MA CPA EPA
C L Mountney MA CPA EPA
D R Thompson MA CPA EPA

EXC-101-B

ONLY VIA FACSIMILE 0044-121-606 04 98

Meritor Birmingham
attn. Mrs. Anna Riley
(Personal Department)

Dipl.-Ing. Dr. Reimar König²¹
Dipl.-Phys. Dr. Peter Palgen¹¹
Dipl.-Phys. Dr. H. Schumacher²¹
Dipl.-Phys. Dr. Jörg-E. Kluin¹¹
Dipl.-Biol. Gregor S. König²¹

Patentanwälte
European Patent Attorneys
European Trademark Attorneys

Essen, April 9, 2001

Our Reference:

100 375, 100 377 HS/MB

Address of Mr. Keyes

Dear Mrs. Riley:

I refer to our telephone conversation from today. Please note our following e-mail address:

E@KPSK.DE

We now kindly ask you to send us the full address as well as the telephone number of Mr. Gregory Keyes.

We like to thank you for your kind assistance in this matter.

Kind regards,
KÖNIG PALGEN SCHUMACHER KLUIN
M. Büttgenbach
(i. A. Marita Büttgenbach)

SENDEBERICHT

ZEIT : 09/04/2001 08:26

DATUM/UHRZEIT
FAX-NR. /NAME
U. -DAUER
SEITE (N)
ÜBERTR
MODUS

09/04 08:25
00103300441216060498
00:00:19
01
OK
STANDARD
ECM

EXHIBIT C

Von: Anna M Riley/Euro/Auto <rileyam@meritorauto.com>
An: e@kpsk.de <e@kpsk.de>
Datum: Montag, 9. April 2001 08:48
Betreff: Grag Keyes

Marita

Good Morning

Further to our telephone conversation today, please find the address and telephone number for Greg Keyes.

28 Inverclyde Road
Handsworth Wood
Birmingham
B20 2LJ
England

← walt-Adams

Tel: 0121-686 6340

... kein Anschluss unter dieser Nr. Ah

Good Luck !!

03. Apr. 2001

Kind Regards

17.12

Anna

EXHIBIT D

PALGEN, SCHUMACHER & KOLLEGEN
P A T E N T A N W Ä L T E

COPY**VIA REGISTERED LETTER**

Mr. Gregory Keyes
28 Inverclyde Road
Handsworth Wood
Birmingham, B20 2LJ

Great Britain

DIPL.-PHYS. DR. PETER PALGEN
DIPL.-PHYS. DR. H. SCHUMACHER

P A T E N T A N W Ä L T E
EUROPEAN PATENT ATTORNEYS
EUROPEAN TRADEMARK ATTORNEYS

Essen, August 16, 2002

Our reference:

102 087 HS/MB

Meritor File No.: 00MRA0030

United States National Phase Patent Application Ser. No. 10/089,030

following International Patent Application PCT/EP00/09526

Keyword: paneled guideframe

Dear Mr. Keyes:

In the above-identified case please find enclosed a copy of the above-mentioned U.S. patent application (document WO 01/23201) as well as a copy of the Preliminary Amendment filed with the U.S. Patent and Trademark Office.

As a further enclosure please find the Assignment and Declaration/Power of Attorney (in duplicate) for signature.

Please return the signed documents to our office in Essen as soon as possible.

Furthermore we kindly ask you to give a short information about your new address.

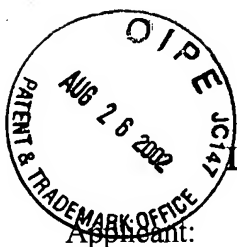
Kind regards,
PALGEN, SCHUMACHER & KOLLEGEN

(Dr. Horst Schumacher)

Encl.

EX-101

60130-1371
00MRA0030



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DE 200 10 204.4 Filed: June 9, 2000

Group Art Unit: Unknown

Examiner: Unknown

Title: VEHICLE DOOR

STATEMENT OF LAST KNOWN ADDRESS

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

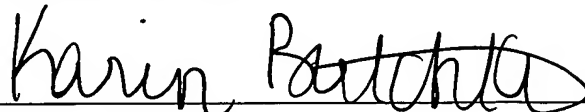
The last known address of the refusing inventor, Gregory Keyes is:

28 Inverclyde Road
Handsworth Wood
Birmingham, West Midlands
B20 2LJ, United Kingdom

To the best of my knowledge and information, I believe this was the last known address for
Mr. Keyes.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



Karin H. Butchko

Registration No. 45,864

Attorneys for Applicant

400 West Maple Road, Suite 350

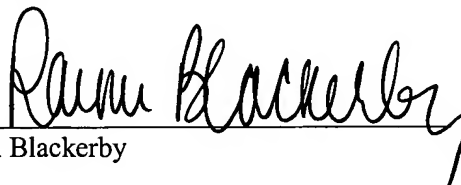
Birmingham, Michigan 48009

(248) 988-8360

Dated: August 20, 2002

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Raimi Blackerby